

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

Judge David Folsom

QR SPEX

V.

MOTOROLA

§
§
§
§
§

CIVIL ACTION NO. 5:06CV124

ATTORNEY FOR PLAINTIFFS: Trey Shcroeder; Phillip Bruns

ATTORNEY FOR DEFENDANTS: Melvin Wilcox; Gregory Nelson

LAW CLERK: Jonathan Hardt

COURTROOM DEPUTY: Mel Martin

COURT REPORTER: Libby Crawford

HEARING ON MOTION TO DISMISS

December 13, 2006 @ 10:00 a.m.

OPEN: 10:06

ADJOURN: 10:50

10:06 ct opens; ct/ pending motion to dismiss, 20 mins each side; ptys provide introduction; ct/ are dfts ready to go forward;

10:08 Nelson/ argues motion;

10:18 ct/ topic of deposition some language in papers haven't been sufficient discovery and you take position it has;

10:18 Nelson/ no obligation to do so;

10:19 ct/ have you read our local rules

10:19 Nelson/ yes, I'm talking in general, they asked;

10:19 ct/ obligation under local rules for discovery

10:20 Wilcox/ we understand

10:20 Nelson/ continues arguing motion;

10:23 Bruns/ responds;

10:24 Nelson/ we do object to this exhibit;

10:24 ct/ not an exhibit

10:24 Bruns/ simply a visual aid;

10:25 ct/ Oakley in Texas

10:25 Bruns/ it is all three;

10:27 ct/ effect or disclaimer that they can't be sold in Texas

10:27 Bruns/ at the time this lawsuit was filed that disclaimer didn't exist;

10:28 ct/ offer for sale

10:28 Bruns/ it is

10:28 ct/ why is that

10:29 Bruns/ responds;

10:43 ct/ any objection to declarations being made a part of the record;

10:43 Bruns/ no

10:43 ct/ those will be received;

10:43 Nelson/ reply;

10:47 ct/ order transcript and share the cost; try to address as quickly as time allows

10:48 Wilcox/ issued a scheduling order

10:48 ct/ that routinely went out, not necessary to have 31st scheduling conference

10:48 Wilcox/ if see fit to hear this case here then they will be consolidated, and fair to say that we will not have the 31st scheduling conference

10:49 ct/ yes;

10:49 Wilcox/ responds CA case

10:49 Bruns/ scheduling conference on both cases

10:49 ct/ if motion is not granted no reason why cases can't be consolidated

10:50 Nelson/ provides case cite from 7th Circuit;

10:50 recess;